

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

MICHAEL ABEND,

Plaintiff,

VS.

JP MORGAN CHASE BANK, NATIONAL
ASSOCIATION,

Defendant.

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CIVIL ACTION NO. 4:13-CV-2110

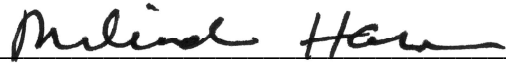
OPINION AND ORDER OF PARTIAL DISMISSAL

Pending before the Court in the above referenced action are Defendant J.P. Morgan Chase Bank, N.A.'s ("Chase's") motion to dismiss for failure to state a claim for which relief can be granted under Federal Rule of Civil Procedure 12(b)(6) (instrument #5) and United States Magistrate Frances Stacy's Memorandum and Recommendation (duplicatively filed as instruments #10 and 11) that the motion be granted in part as to Plaintiff Michael Abend's claims for improper notice of lien transfer, breach of the duty of good faith and fair dealing, breach of contract based on Chase's refusal to accept Plaintiff's payments, negligence, and wrongful foreclosure. Plaintiff has not filed any objections.

After carefully reviewing *de novo* the motion, the applicable law, and Judge Stacy's Memorandum and Recommendation, the Court concurs with her recommendation. Accordingly the Court

ORDERS that the motion to dismiss is GRANTED in part as to Plaintiff's claims for improper notice of the lien transfer, breach of the duty of good faith and fair dealing, breach of contract based on Chase's refusal to accept Plaintiff's payments, negligence, and wrongful foreclosure.

SIGNED at Houston, Texas, this 7th day of January, 2014.

A handwritten signature in black ink, appearing to read "Melinda Harmon", is written over a horizontal line.

MELINDA HARMON
UNITED STATES DISTRICT JUDGE